

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
OF GREENBELT DIVISION

In re Dominick Lawrence Butler
Debtor

Case No: 19-15893TJC

Chapter: 7

Miriam I. Rogers Holy

Movant

vs

Dominick Lawrence Butler

Respondant

Motion for Relief of Stay

I, Miriam I. Rogers Holy, request a Motion for Relief of Stay on the above listed Debtor and case.

Details

- 1) As stated in the June 4, 2019 letter sent to the Bankruptcy Court, Ms. Laura Margolies (bankruptcy trustee) and Mr. Marc Ominsky (debtor's attorney), this debt was awarded to me from a Judgement d/t ~~tenant~~ not paying rent on time and damages left in property by debtor and his family, to prepare the property for releasing.
- 2) Mr. Butler is in arrears for the 2019 year, as his last payment of 400.00 was made in January 2019. This bankruptcy was filed on 4/30/2019. No payments were received from February through April, 2019.
- 3) This debt was incurred due to a rental home in Howard County that Mr. Butler was renting for him and his family. He lived at the property for 8 years. Mr. Butler was behind in the rental payments, that my only course of action was eviction. On the day of court, he moved out.
- 4) This Motion is requested as the debt is not a necessary part of an effective reorganization. It has been adjudicated and scheduled through mediation at the Howard County District Court, Civil Case # 1001-0001915-2016.
- 5) The judgement was obtained 9/19/2016. It was awarded a payment arrangement was agreed on via mediations for 400.00/month until the debt was paid. Mr. Butler made

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DISTRICT OF MARYLAND
GREENBELT

regular payments from April 2019 through January 2019. The total due as of Jun 4, 2019 without the additional interest that I could charge are: \$28460.69.

- 6) I ask that you honor this motion, and instruct Mr. Butler to continue making \$400.00 payments until debt is paid.
- a) Mr. Butler entered into the agreement at the Howard County courthouse under mediation, approximately one year prior to filing this Chapter 7 bankruptcy.
 - b) At the time of mediation, he agreed to the monthly payments (\$400.00/month) and was fully aware of his debts and obligations.
 - c) At the mediation table, he shared that he was already having his paycheck garnished and was agreeable to the monthly payments, that would fit into his budget, to satisfy this debt.
- 7) This is not Mr. Butler's first bankruptcy. He had a bankruptcy in prior years.

Date: 8/5/2019

Miriam L. Rogers Holy

Signature (Movant without counsel)

Telephone No. 410.963.0511

CERTIFICATE OF SERVICE

I hereby certify that on the 5 day of August, 2019, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Notice of Motion for Relief from Stay and Hearing Thereon will be served electronically by the Court's CM/ECF system on the following:

Name of Trustee, Chapter 7/13 Lynda Margulies

Name of Attorney Marc A. Ominsky

Name of Attorney

I hereby further certify that on the 5 day of August, 2019, a copy of the Notice of Motion for Relief from Stay and Hearing Thereon was also mailed first class mail, postage prepaid to:

A letter was sent by fax/email to Mrs Margulies and Mr Ominsky, respectfully on 6/4/2019
Name of Party Address of Party City, State Zip
Lynda Margulies 6205 Executive Blvd. Rockville, MD 20852

Name of Party Address of Party City, State Zip

Marc A Ominsky 10632 Little Patuxent Pkwy, Suite 249
Columbia, MD 21044
Name of Party Address of Party City, State Zip

Dominick Lawrence Butler 23 Peppermill Dr
Capitol Heights, MD 20743

Signature Miriam I. Rogers Holy

[Type or print your name]

Miriam I. Rogers Holy

To:

Lynda

~~fax #~~ ^(MIR)

email: Lynda@law-margulies.com

From:

Miriam Rogers Holy

410 963 0511

mir63@gmail.com

Date: June 4, 2019

sent (MIR)

Email to attorney of Debtor sent: Marc A. Orninsky
and to Mark A Neal Clerk of the Bankruptcy Ct
letter sent. 6/6/2019

Miriam I. Rogers Holy
3102 Bonnie Rd
Pikesville, MD 21208
Micr63@gmail.com
410-963-0511
June 3, 2019

Regarding Debtor 1: Dominick Lawrence Butler (SSN# xxx-xx-0827) in the United States, Bankruptcy
Court District of Maryland, Case # 19-15893 TJC Chapter 7, filing date 4/30/2019

Ms. Laura J. Margulies Bankruptcy Trustee, and
Mr. Marc A. Ominsky, attorney for Mr. Dominick Lawrence Butler

To Whom It May Concern,

I, Miriam I. Rogers Holy, a creditor of the above Debtor, am requesting that a debt of \$27,490.00 not be entitled to be discharged and therefore request that this debt be excepted from discharge in this Bankruptcy.

This debt

1. Is a judgement that was granted in Howard County District Court on 9/19/2016 case #1001-001915-2016.
2. Granted the creditor damages and back rent monies owed from when this Debtor and his family lived in the rental property, 9466 Pinecone Row, Columbia, MD 21045, owned by this creditor.
3. That Howard County District Court awarded this creditor, through Mediation on 3/12/2018, the monthly payment, as agreed by this Debtor, in good faith and in full knowledge of his assets, earnings and debt, the sum of \$400.00 /month until the debt was paid.
 - a. The creditor agreed to waive interest fees as long as payments were timely paid (due by the end of the month).
 - b. The creditor agreed not to take any additional collective action as long as payments were made.
4. Debtor was making regular monthly payments from April 2018 – January 2019. And missed payments in 2019 of February through April 2019 (when bankruptcy was filed).

Judgment amount: issued 9/19/2019 \$27,490.00
Interest (6% from 9/19/2016-3/12/2018): \$2435.69
Attorney fees: \$2750.00
Court costs: \$185.00
TOTAL DEBT as of 3/12/2018: \$32,860.69

2018 payments made: -\$3600.00 in 2018

April pd 3/31;
May pd 6/5 (May payment late – no interest charged);
June pd 6/30;
July pd 7/28;
August pd 8/31;

September pd 10/4 (Sept payment late – no interest charged);
October pd 10/31
November pd 12/1 (Nov payment late – no interest charged);
December pd 12/29.

2019 payments made: (pd to date) **-\$400.00 in 2019**

1. January payment of \$400.00 received on 2/2/2019.
2. February, March and April payments not received.
3. May received bankruptcy notice, no payment received.

Total due without any additional interest added: **\$28,460.69** – which is my current debt that I am requesting to be excepted from discharge of this Bankruptcy case.

Thank you,

Sincerely,


Miriam I. Rogers Holy